

To: LaPoma, Jennifer[LaPoma.Jennifer@epa.gov]
Cc: Willard Potter[otto@demaximis.com]; Basso, Ray[Basso.Ray@epa.gov]; Naranjo, Eugenia[Naranjo.Eugenia@epa.gov]; Mike Barbara[mab.environmental@gmail.com]
From: Robert Law
Sent: Mon 3/31/2014 4:54:24 PM
Subject: Re: 3/13 modeling meeting

Jennifer:

I acknowledge receipt of your 3/27 email on behalf of the CPG and need to clarify points made in your email regarding our 3/26 telephone call. It is true that CPG agreed to take meeting notes for the March 13 meeting and under normal circumstances the CPG would have provided the CPG presentation for the March 13 oversight modeling meeting; however, that is prior to the following:

- My March 17 email to Eugenia asking her if she intended to share the March 13 oversight meeting notes and presentations to which she responded yes.
- EPA's March 17 letter to the CPG stating that it has extended an invitation to Occidental to participate in the April 10 oversight modeling meeting.

The CPG will promptly forward the March 13 oversight meeting notes and presentation if it is understood that they will not be shared with Occidental and its representatives.

The CPG is declining to share its meeting materials at this time because Occidental and the other Lister Ave parties have failed to meet their obligations to pay substantial costs for RI data collection for both the NBSA RI/FS and the LPRSA RI/FS both of which the CPG has assumed the burden and paid.

Finally, as I said during our 3/26 call the CPG is preparing a response to the EPA's March 17 letter.

Please contact me with any questions.

Thank you.

R/

Rob

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>>> "LaPoma, Jennifer" <LaPoma.Jennifer@epa.gov> 3/27/2014 10:29 AM >>>

Rob,

Based on our conversation yesterday and your email response to Eugenia on March 24th 2014, it is my understanding that at this time, the CPG is not willing to provide EPA with the presentation slides from the March 13th 2014 modeling meeting at K&L Gates in Newark, NJ. We regret that the CPG is taking this position, as it may diminish the utility of the meetings.

I would like to reiterate EPA's position that receipt of the CPG's March 13th presentation slides is necessary for a timely and comprehensive review of the material presented. It was EPA's understanding, at the time of the meeting acceptance, that the CPG would share presentation materials and provide notes for the modeling meetings. In an email dated March 24th 2014, EPA provided the slides which were presented on behalf of EPA at the meeting.

Since the CPG is unwilling to provide the presentation slides or notes of the meeting at this time, EPA will prepare a summary of the March 13th modeling meeting, both for our oversight process and to inform Occidental of the issues discussed at the meeting. I understand that the CPG's refusal to provide the slides is tied to the fact that EPA has explained that Occidental needs to be kept informed about the model development. Please keep in mind that Occidental is responsible for the Newark Bay RI/FS, and under the AOC for the 17-miles RI/FS the CPG is to develop one model for the Lower Passaic River and Newark Bay. The fact that Occidental, Maxus and Tierra are no longer participating in the CPG does not alter the need to share information about the model.

Regards,

Jennifer LaPoma